

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CENTURY 21 REAL ESTATE CORPORATION,

Plaintiff,

Case No. 06 MC 417 (KAM)

-against-

CHAMPION HOME SALES, INC. d/b/a CENTURY 21
CHAMPION, CENTURY 21 CHAMPION II, and ERIC G.
VINCENT,

ORDER FOR ARREST

Defendants.

Defendant Eric G. Vincent having been served with a Subpoena duces tecum, dated October 14, 2013, (1) failed to obey the Subpoena by attending the deposition and producing the requested documents; (2) failed to respond to Plaintiff's motion for contempt in violation of Judge Orenstein's Order dated December 30, 2013; (3) failed to appear before Judge Orenstein in violation of his Order dated December 30, 2013; and (4) failed to object to Judge Orenstein's Report and Recommendation ("R&R") granting Plaintiff's motion for an Order of Contempt. This Court adopted Judge Orenstein's R&R and issued an Order of Contempt, dated November 4, 2014, requiring Defendant (a) to pay Plaintiff's attorneys' fees and expenses in the amount of \$750; (b) to produce documents set forth in said Subpoena no later than November 14, 2014, as well as (c) to appear for a deposition on at a date and time selected by Plaintiff's attorneys within 20 days after service of the Order of Contempt. Defendant failed to comply with every part of the said Order of Contempt. This Court then issued another Order, dated January 21, 2015, which again required Defendant to produce documents no later than February 18, 2015, to appear for deposition on February 26, 2015, and warned Defendant Vincent that an order for his arrest would

issue if he did not comply with the January 21, 2015 Order. Defendant again failed to comply with every part of the Order dated January 21, 2015.

Now, on motion of VLOCK & ASSOCIATES, P.C., attorneys for Plaintiff, it is

ORDERED and ADJUDGED, that based on this Court's determination that Defendant is in civil contempt of this Court by having failed to comply with the aforesaid Subpoena dated October 14, 2014, the aforesaid Order by Judge Orenstein dated December 30, 2013, the aforesaid Order of Contempt dated November 4, 2014, and the aforesaid Order dated January 21, 2015; and it is further

ORDERED, that the United States Marshal in and for the Eastern District of New York is hereby directed to take into his custody the person of Eric G. Vincent, whose residence address is 3612 Farragut Road, Brooklyn, New York 11210, and to bring said Defendant before United States District Judge Kiyo A. Matsumoto, in Courtroom 6G North, in the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, to answer for his failure to produce documents and to submit to examination as provided by the Court's Order dated November 4, 2014. At such time, the Court may make whatever further order the Court deems appropriate, which may include any or all of the following: (a) requiring Defendant to pay to Plaintiff the attorneys' fees incurred by Plaintiff; (b) requiring Defendant to reimburse Plaintiff for the United States Marshal's fees and expenses incurred as a result of this Order; (c) directing the United States Marshal to commit Defendant to such facility as the Court may direct until such time as said Defendant shall purge himself of contempt by producing the documents and submitting to examination as provided by the Subpoena dated October 14, 2013; and (d) such other and further relief as the Court deems just and proper under the circumstances; and it is further

ORDERED, that the United States Marshal may use such force as may be necessary, and may enter as necessary into Defendant's residence in which the Defendant may be found, to take said Defendant into custody.

ORDERED, that execution of this Order is stayed until March 24, 2015. If Defendant purges himself of contempt by producing the documents by March 18, 2015 and submitting to deposition on March 23, 2015 at 2:00 P.M. at the office of Plaintiff's attorneys, this Order for Defendant's arrest shall be vacated and the Marshall shall be relieved from executing this ORDER for Defendant's arrest. If Defendant fails to purge himself of contempt by March 23, 2015 in the manner prescribed herein, this Order for arrest shall be executed.

ORDERED, that counsel for plaintiff will serve a copy of this Order on Defendant and shall file a Declaration of Service. Plaintiff must serve Defendant with this Order via a verifiable method, including, but not limited to, United States Mail-Return Receipt Requested or Federal Express. Plaintiff shall advise this Court no later than 6:00 p.m. on March 23, 2015 whether Plaintiff has purged himself of the contempt by his full compliance with the Subpoena and the aforementioned orders.

Dated: Brooklyn, New York
March 9, 2015

/s/
Kiyo A. Matsumoto
United States District Judge
Eastern District of New York